

# COBBETT'S WEEKLY POLITICAL REGISTER.

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Th' appearance is against me, I confess,  
Who seemingly have put you in distress :  
You, if your goodness does not plead my cause,  
May think I broke all hospitable laws,  
To bear you from your palace-yard by night,  
And put your noble person in a fright :  
This, since you take it ill, I must repent,  
Though, heav'n can witness ! with no bad intent.

DRYDEN. Cock and the Fox.

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## SUMMARY OF POLITICS.

IRISH CATHOLICS.—The acquittal of DR. SHERIDAN, in spite of all the means made use of to obtain his conviction, has produced, as might have been expected, a suspension of the prosecutions against the other Catholic Gentlemen, whom it was intended to try for the same alledged crime, and against whom Bills of Indictment were found. Yet, as the reader will bear in mind, when that acquittal, which does so much honour to the Jury and to Ireland, which has given so much satisfaction in this part of the kingdom, and which will be received with applause in every part of the world where there remains one spark of the love of freedom; when that acquittal was first announced to the English public, the venal prints, and especially the COURIER, who seems to be a hack always in requisition, said, that Dr. Sheridan was acquitted for want of sufficient evidence; but, that the rest would be proceeded against upon amended indictments.—For want of sufficient evidence! To be sure; and who, pray, was ever acquitted upon any other ground? Who, (except in cases of mere *flaw*) was ever acquitted upon any ground other than that of a want of evidence to support the charge? Dr. Sheridan was charged with having become a delegate in violation of an act of parliament; and the Jury say, *not guilty*, upon the whole of the charge. They bring in no qualified verdict; they do not say, that there is not sufficient evidence to prove that he had become a delegate; they do not say, that to have become a delegate would have been a crime. They say, *not guilty*, upon the whole of the charge.—Now let us hear what the venal prints have resorted to, in order to account for the suspension of proceedings against the other accused persons.—At first, it was said, as I have

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observed above, that they were to be brought to the bar under amended Bills of Indictment. But a suspension has taken place; and, from the following article in the COURIER, it would seem, that there was, at one time, an intention of dropping the proceedings altogether, provided the Catholic Gentlemen would give up their scheme of assembling as delegates. I quote from the Courier of the 30th of November, and the passage is one that merits a good deal of attention. It pretends to give the words of the Irish Attorney General, when he expressed his intention not to pursue the prosecutions any further; and it contains doctrines such, I believe, as never were broached before, and which, if they be permitted to pass as sound, there can, in the mind of no rational man, exist the smallest doubt that our liberties are a mere dream. "The intention of Government to prove by the highest legal authorities, that Delegation for the purpose of petitioning for the alteration of law is contrary to the Convention Act, having been fully fulfilled, the Irish Attorney General signified in open Court last Tuesday, that it was not his wish to press for the trial of the Delegates at present. He said, that though there has been a verdict of acquittal in the case of Dr. Sheridan, the law of the case has been clearly, unequivocally, and unanimously declared by the Court; and therefore I consider it now as settled law that the Committee or Convention proposed to be convened by the resolutions of the gentlemen on the 9th of July last, would be, if it should meet, an unlawful assembly. That being so, I cannot suffer myself to believe that the Roman Catholics of Ireland will persevere in the measure, because I cannot suffer myself to believe that it ever

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"*was, or is, their meaning to violate the law of the land. Under this impression I feel that it would be hardly consistent with the object of these prosecutions, which never was to persecute or to punish the individual, but to prevent a public mischief, to press for the trial of any other of the Traversers at present; and I will go farther, and say that it is my confident expectation, as it is my sincere wish, that it may not be rendered necessary for me at any time hereafter to call for the trial of the other Traversers.*"—We trust, therefore, that the Catholics, who enjoy the right of petitioning in as full and free a manner as any other of his Majesty's subjects, [will not persist in convening the Committee or Convention, which their resolutions in July last had proposed to do. If they do, if mistaking forbearance for fear, and erroneously supposing that the acquittal of Dr. Sheridan was an acquittal upon the law as well as the fact, they do determine to call such a Convention, then, of course, the trials of the other delegates will be pressed.]

Now, I do not, observe, say, that the words here put into the mouth of the Irish Attorney General were ever uttered by him. I see them published in a newspaper; and containing, as I think they do, some most offensive matter, I shall make freely my comments upon them. If they were not uttered by the Attorney General, it is for him, or his friends, to set the public right as to the fact. To me, it is of no consequence whether they proceeded from his lips or not. They form a publication, and, as such, I comment upon them.—Let us take the article in the order that it lies before us. The Attorney General, the official prosecutor on the part of the government, having seen one of the prosecuted parties escape, through the verdict of a jury, is here made to come into court, into that very court where the acquittal had taken place, and there to say, that, though there had been an acquittal of one of the accused persons, "*the law of the case had been clearly, unequivocally, and unanimously declared by the court, and that he therefore now considered it as settled law,*" &c. So then, according to this notion, the court is all and the jury nothing as to settling the point whether a man has, or has not, been guilty of a breach of the law! Dr. Sheridan was charged with having violated the Convention Act. The jury declared him

not guilty; but, according to this doctrine ascribed to the Attorney General of Ireland, that verdict is to have no weight, and the declaration of the Judges is to be taken for the true decision. Why, we were told, in this same COURIER, that all the Judges had given their opinions on the side of guilt; but, are we, therefore, to consider the acquitted man as guilty? Lord Ellenborough, the other day, was by no means equivocal in his charge in the case of Mr. White, whose publication he expressly and repeatedly declared to be a libel, and whom he expressly and repeatedly declared to be answerable for all that appeared in his paper. Yet, the jury said, that he was not guilty. Their decision was in opposition to the opinion of the judge; and are we, for that reason, to conclude, that Mr. White was guilty, and that the jury were ignorant or perjured men? If this were to be the case, what, I would beg leave to ask, is the use of a jury? If their decision is to pass for nothing; if a man, though acquitted by them, is still to be looked upon as guilty in fact, and as having escaped by mere chance; if this were to be the case, what a despicable, and even what a mischievous institution that of the jury would be!—Here was a man indicted for the breach of a positive law; the written law was before the jury; they had to compare the act done with the acts prohibited by that law; and, they declare the man not to be guilty. But, because the Judges all declared, that the act done was amongst the acts prohibited by the law, it is here said to have been assumed, that the acquittal was to pass for nothing as a declaration of the meaning of the law; as if the opinions of twelve men were not as good as the opinions of four men, and that, too, in a case so plain that it strikes me with wonder how two opinions should ever have been entertained upon the subject.—Am I told, that the Judges must understand the law better than the Jury? If this be to be taken in its full extent, abolish the juries at once, for they are mere automata. Let them stay at home for God's sake, and mind their farms and their shops; for, to stick them up in courts of justice is a mere mockery. If the Judge is, upon all occasions, to be looked upon as understanding better the application of the law to the act alledged than the Jury, away with the latter at once. But this is not so; and, until of late years, it never was pretended. The Judge is in the court to

regulate the evidence to state to applicabl give them the mea But, it is so well with Mr. the perso tion at i truly to t judges o decide, v not, in and, the truly to them sa tries the instituti presum taken, likely t a just d and, in be, or c institut as the where charge right a and no decisi is the in suc Jury would then? which too m excep powe cause the v the trial law; missi men it to sent Is n pow they mot And app and ma rain



regulate the proceedings; to see that all the evidence is *fairly laid before the Jury*; to state to them the words of the law as applicable to the act alledged; and to give them, if necessary, his opinion, as to the meaning of doubtful parts of the law. But, it is for the Jury to *try*, as Mr. Tooke so well urged it in his celebrated action with Mr. Fox; it is for the Jury to *try* the person accused, or rather, the question at issue. They are sworn "*well and truly to try*;" and, if they are to be no judges of the *law* by which they are to decide, what is the use of them? *They* do not, in that case, *try* the question at all; and, they had better be sworn well and truly to say whatever the Judge might bid them say. The Jury, and the Jury *alone*, tries the question brought before it. The institution of the Jury is founded upon the presumption that twelve men, impartially taken, are not only as likely, but *more* likely to form a correct opinion and make a just decision than one or more judges are; and, indeed, what *other* reason can there be, or could there ever have been, for the institution of Juries? If the Jury be to act as the Judges bid them, and if, in cases where the verdict goes in the teeth of the charge, the Judges are to be regarded as right and the Jury wrong, and if the *charge* and not the *verdict* be to be looked upon as decisive of the law; what, again I ask, is the use of the Jury; what sense is there in such an institution; and how can the Jury be said to *try* any thing?—But, would I make the Judges *nothing at all*, then? No: my objection is to the attempt, which has often been made, and with but too much success, to make them *every thing* except *responsible persons*. They have powers enough without being *triers* of causes and criminals. To them belongs the vast powers of directing and governing the whole of the proceedings in every trial; of giving their interpretation of the law; of determining what is or is not admissible evidence and admissible argument; of receiving the verdict or causing it to be revised; and, finally, of passing sentence, of saving life or inflicting death. Is not this enough for them? Are these powers too limited? See, then, what power they possess in the granting or refusing of motions, rules, attachments, &c. &c. And, when we consider, that they are all appointed by the king, or his ministers, and may, at any time, by the vote of a majority in parliament, have their salaries raised, can we say, that these powers are

not sufficient? I do not say that the powers are too great; but, I do say, that they are quite great enough; and I further say, that, without the Jury in criminal cases, these powers would be monstrous, and such as would leave the people not the shadow of liberty. The jury was instituted; and was always considered, and is, I hope, still to be considered, as the *guardian of the people's rights*; as a *security for the administration of Justice in mercy*; and not a mere shew, not the mere echo of the Judge, but a body of men *more* likely to come to a just decision, all the circumstances considered, than the Judge would be. If it be not so, of what earthly use, I again ask, is this thing called a Jury? Why, the only use, and the only possible use, which it could then be of, would be *to screen the Judge from all responsibility* as to the decision; and thus removing that check, which would exist if there were no jury at all, and making our mode of administering justice the very worst that ever was heard of in the world.—The Jury must be *efficient*; they must be, according to their oath, the *real* triers of the issue; or, they are infinitely worse than useless; and, if they are not the real triers, they betray their trust and falsify their oaths.—To return to the doctrine ascribed to the Irish Attorney General: I would ask, if the declaration of the *Judges* were sufficient for his purpose, and that, too, in opposition to a subsequent verdict of a Jury, why was a *trial* necessary? Why was not the declaration of the Judges taken without any indictment or trial at all? Why were the delegates not told, that the Judges said that the law was against the meeting by delegates? There was something to be answered by the trial surely? But, now, it seems, that these indictments and trials were to answer no other purpose than merely that of giving the Judges an opportunity of declaring, *upon the bench*, what was the meaning of the law; and their opinions are now set up, by this writer, in the form of a speech of the Attorney General, as tantamount to a *declaratory act of parliament*, and that, too, though they did not produce conviction in the minds of twelve men assembled and sworn to try the very question, which it is held forth that these opinions have *decided*.—I now come to the second part of this publication pretending to be a speech of the Irish Attorney General; and it is certainly very well calculated to excite some little surprize. He is made



to say: "I cannot suffer myself to believe, "that it EVER WAS, or is, *their*" (the accused persons) "*meaning to violate the law of the land.*" Here, reader, is this Attorney General, this Official Prosecutor, made to say, in open court, that he does not believe; nay, that he cannot *suffer* himself to believe, that the accused persons *ever meant* to violate the law of the land. Now, what had this same person said only a few days before in the *indictment* against Messrs. Kirwan and Taaffe? Why, just the reverse; for he there, as you will see by a reference to the copy of the indictment, in the last column of my last Number, says, that they were "*ill-disposed persons* and were *unlawfully contriving* and "*intending*" to do what he had accused them of! Was it possible, then, for him to have uttered the words ascribed to him by the *COURIER*? Was it possible for a man to come into court, and, before those very judges, to whom he had accused these gentlemen, declare in so solemn a manner, that *he did not believe* them to have been guilty of the crime that he had laid to their charge in a manner still more solemn, and which charge was founded upon informations upon oath? Was it possible for a man to come into court and declare, that he did not believe persons to have ever been guilty of the crime, for which he himself had prosecuted them, he himself having necessarily been the adviser of the prosecution? And, yet, if there be no truth in the statement, at what a degree of impudence must this editor of the *Courier* have arrived?—I cannot bring myself to believe, that the declaration was made; because it would, it seems to me, call for the most serious inquiry into the conduct of the Attorney General. He has powers enough, God knows! Powers sufficient to make him truly formidable without any abuse of them; but, if he were to arrive at such a pitch as to avow, that he prosecuted men for crimes, of which *he could not suffer himself to believe that they were guilty*; if he were come to this pass, what a country would Ireland be to live in?—Yet this is what the *COURIER* attributes to him; I have quoted the very words said to have been uttered by him; I have, I believe, seen the same words, under the same form, in other public prints; and, thus seeing them, were I to let them pass without comment, I might be thought to acquiesce in the *right* of an Attorney General to prosecute any man that he chose for a crime of which he

could not suffer himself to believe that he was guilty; I might be thought to allow, that, in addition to all his other powers, of which I have so often had to speak, he possessed this of prosecuting men, of harassing their minds and ruining their fortunes, and that, too, under pretence that they had committed a crime, which he could not suffer himself to believe that they had committed.—Let there be no attempt at *shuffle* here. Let it not be pretended, that the gentlemen might *commit* the crime and not *mean* to do it; for, observe, all crime consists in the *evil-intention*, or *meaning*; and observe further, that this Attorney General, in his indictment, did actually charge the Catholic Gentlemen with being "*ill-disposed persons*" and with "*unlawfully contriving* and *intending*" to do that which he accused them of, and for which he brought one of them to be tried as a criminal.—Our English Attorney General, when his conduct was under discussion, in the House of Commons, last year, said, that he was not to be looked upon as free from *errors of judgment* any more than other men. Very true; but, we here see the *COURIER* exhibiting the Irish Attorney General as having prosecuted men for crimes that he himself acknowledged that he did not believe them guilty of.—The third part of this speech given to the Irish Attorney General relates to his views in the prosecutions; and he is made to say, that "*the object of these prosecutions never was to persecute or to punish the individual.*"—No? What was the object, then? This passage of the *COURIER*'s fabricated speech (for fabricated it must be) forced into my recollection the professions of the Fox, in Dryden's beautiful Fable, where the poor Cock has just escaped from his jaws to the branches of a friendly maple. And so, Dr. Sheridan, according to this "*false Loon*," the *COURIER*, no *harm* was intended you, though you were informed against, indicted, and put upon your trial, and though so strong an appeal was made to the Jury against you! No harm, according to this venal writer; no harm at all; only to put you a little in a fright perhaps! No harm at all, though you were described, in the indictment, as an *evil-disposed* person, not having the fear of God before your eyes, but being moved and instigated by the Devil, and well knowing the premises, contriving and intending to do the act laid to your charge! No, not the least *harm*; no *persecution*, no

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*punishment*, intended: all in good part; all perfectly friendly, according to this English hack, surpassing, be you well assured, all the hacks of Ireland, except, perchance, you have imported some of the true British breed, the fame of which has now extended over the whole earth. You know the answer of Chanticleer:

“Nay, quoth the Cock, but I beshrew us both,  
If I believe a Saint upon his oath.”

—If any thing more were wanted to prove, that this speech put into the mouth of the Irish Attorney General was a mere fabrication of the *COURIER*, we have it at the close, where the former is made to say, that he hopes not to be under the necessity of pursuing the prosecutions; but that, if the Catholics persist in what they were doing, he shall pursue them. No man could have said this: no man would, I hope, have been permitted to throw out a *threat* like this in open court. What! first prosecute men for an alledged crime, which proves to be no crime, and then tell them, that if they persist in doing that which is no crime, they shall be harassed with prosecutions! What would this be but to tell them, in substance, that though Juries acquitted them, though they were guilty of no crime in the eye of the law, they should, at any rate, suffer all the trouble and expence of a state prosecution, wherein the prosecutor pays no costs, and wherein the public and the prosecuted person are obliged to bear all the expences, amongst which are the fees of the Attorney General himself? If this could be said in open court; if this could be permitted; if a threat like this could be suffered to be thrown out in the presence of the Judges, then, indeed, we should be in a pretty state. But, as I said before, it must be a fabrication of the *COURIER*, like the French Dispatch said to have been promulgated by Mr. Adams, and like the many intercepted Letters between Napoleon and his brother Joseph.

—The *COURIER* then adds something as *from himself*. He seems to think, that it is not enough to make the Attorney General threaten, and therefore, takes upon him to put forth an additional threat of his own, and says, that, if the Catholics mistake *forbearance* for fear, they will be prosecuted with renewed vigour. *Forbearance!* The Catholic Gentlemen have experienced *forbearance*, have they? It is hard to say what this man's ideas of *forbearance* may be; but this we *know*, that these gentlemen have been informed against before

the Judges; that warrants to apprehend them have thereupon been issued; that they have (I believe) been held to bail; that they have been indicted as ill-disposed persons, unlawfully contriving and intending to do certain wicked acts; and all this *for what?* Why, because they were delegates, or took a part in choosing delegates, for the purpose of agreeing upon, and causing to be presented, a petition to Parliament, the object of which was to obtain for themselves and the rest of the Catholics an equality in rights with their Protestant fellow-subjects. Call you this *forbearance!* The Attorney General has *forborne* to prosecute some of those who were indicted. But, when did he forbear to do that? Not till one of them had been acquitted, and till Dublin and the whole kingdom had expressed their joy at that acquittal and their approbation of the conduct of *the Jury*. Not till then; and, therefore, it is by no means difficult to form a just estimate of this *forbearance*.

—If the object of the prosecution had been merely to put the question at rest by a legal decision, why were *so many* persons involved in it? *One* would have been enough for this purpose.—I can, therefore, discover nothing like *forbearance* in any part of the proceedings; and a man must have the impudence of an English venal writer to give that term to the suspension of the trials at Dublin, which, be it observed, appears to have been contrary to the express desire of the parties prosecuted, who, of course, were anxious to get rid of an indictment hanging over their heads.

—At the tail of the article, on which I have been remarking, there are some observations upon the conduct of “*the Reformers*”, as this writer calls them, which are also worthy of notice.—He says: “We apprehend, from what we have read in some “Irish Papers, that we must not flatter “ourselves with the expectation that the “Reformers will suffer the people to be “undeceived; they will keep the declaration of law by the Judges as much “out of sight as they do the fact, that the “acquittal of Doctor Sheridan was an acquittal solely on account of insufficiency “of evidence. *Their wish* is to keep the “public mind in a ferment, to inflame “and agitate the people, and to take eager “advantage of any season of calamity or distress. Public calamities are their element. Then is the time to create alarm, “to exalt their own merits, to establish “the fame of their political sagacity in the



"fulfilment of *their predictions*, and their "true jacobin ferocity, by demanding that "Ministers "*shall be brought to the block.*" "It is not their country that they love, "but their party; it is not *the enemies of* "their country that they hate, but their political opponents; the men whose talents "and characters keep them down."—

Now, if the Reformers really did wish to keep the public mind in a ferment; if they did really wish to inflame and agitate the people, what must have been their satisfaction at seeing the above-mentioned prosecutions commenced? It is by those prosecutions that the public mind has been excited into a ferment, and that the people have been inflamed and agitated, and not by any thing that the Reformers have said or done; for, unfortunately, what they say has but little effect upon the people, who have enough to do to meet the misery of the moment.—And as to *seasons of calamity and distress*, whose fault is it, if there are such seasons? The Reformers have had no hand in producing calamity and distress; for they have had no power. Their advice has been scorned; they have wished for and recommended a set of measures the opposite of those which have been adopted; if their advice had been followed, there would have been no stoppage of those channels of intercourse, which were before open, and through which so many persons were fed; if their advice had been followed there would have been no armies to support in Sicily, Spain, and Portugal. You will say, that their advice was foolish; very well; but, as you did not follow it, acknowledge, at least, that they have had no hand in producing the calamities and distress, of which you talk; and, acknowledge further, that they have a fair right to lay these calamities at the door of those who rejected their advice.

—But, they are charged with *exulting* in the fulfilment of their predictions. It is very natural and very proper for men to point out to those, who have rejected their advice, the consequences of such rejection; but, it by no means follows, that they *rejoice* at these consequences. The farmer comes into the field to his harvest men, and tells them it will rain by such an hour, and that the corn will be wet, unless it be got in before that hour. The rain comes; the corn is not got in; he then reminds his men (who have been dilatory) of his prediction; but, is he, therefore, to be said to *exult* in the fulfilment of it?—We have said what would be the conse-

quence of pursuing such and such measures; and if those measures are pursued, and the consequence arrives, are we not to point out the fulfilment of our predictions, without exposing ourselves to the charge of rejoicing at the mischief that has happened?—The Reformers are here accused of "demanding that Ministers shall be brought to the block." I have never seen any such demand in print, I have never heard it verbally made, I have never heard any man destine them to such a fate, nor do I believe that any Reformer in the kingdom would care one single straw what became of the Ministers, provided he could see a House of Commons chosen as freely as Sir Francis Burdett was chosen for Westminster and as his Brother will be chosen for Southwark. This talking about *the block* is a trick to scare people. A mere invention; but an invention that will answer very little purpose; for, the writer may be assured, that the days of *terror* are past; all the terrors that he or his abettors could conjure up would not extract a sixpence from the pocket of the most timid creature in the kingdom. The day is gone by when the people were made to believe, *that it was necessary to give their money to placemen and pensioners in order to prevent the French from making them Atheists.* That day is past never to return; and so is the day for exciting a dread of revolutionary horrors. The *alarming, the terrifying*, system is worn out; and to attempt to revive the use of it is only to expose the party to ridicule. If Paine were to write twenty such books as he wrote before, there would be nobody found to burn him in effigy.—But, the Reformers do not, it seems, hate the *enemies of the country* so much as their *political opponents*. In the Scripture a very pithy question is put: "who is my neighbour?" And, it is equally proper for us to ask, "who are the enemies of the country?" The *French*, to be sure. Oh, yes! but the country may have *other enemies*. A man is not our *neighbour* merely because he lives at next door; nor are people our *enemies* merely because they are foreigners. No: but, the French are at *war* with us. True, and they are, in that sense, our enemies; and, let the cause of the war be what it may, it is our duty to defend our country against these enemies. But, it does not follow, that the country may not have other and even greater enemies, or, at least, more wicked and worse-designing enemies, than the open foreign enemies

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are; and, if so, they are just objects of as great, and even greater, hatred. Why do we call the French our enemy? Because they endeavour to do us harm; and, are we not to consider others as enemies if they endeavour to do us harm? We are called upon to fight against the French, lest they should conquer our country, and take from us what we have of liberty; and, if we were to see any body else endeavouring to effect the same object against us, should we not be called upon to oppose them too?

—This accusation, therefore, against the Reformers, has no sense in it, even supposing it to be founded on a fact. No fact is produced as to their feelings about the enemies of the country. It is mere assertion; but, were it not so, it would be necessary, in order to fix blame upon the Reformers, to show that they were unjust in their estimate of the degrees of enmity towards the country.—These same writers have not been backward in charging the Reformers with enmity towards the country; indeed, it is done in this very sentence; let them not, therefore, be surprised, if the Reformers should think that they also perceive some enemies of the country besides the French.

AMERICAN STATES.—The President's Speech, at the opening of the Congress, will be found in another part of this Number. It does not announce the intention of recommending an Embargo, for which our armies in Spain and Portugal may thank him; but, it breathes a spirit of *hostility* against England, and plainly indicates, that measures growing out of such a spirit will be adopted. One passage of the Speech I beg leave to point out to the reader. It is that, in which the President informs the Congress, that the Marquis Wellesley has signified the design of this country not to revoke the Orders in Council, as far as they relate to America, until American ships are permitted to take our goods to the ports of the Continent, as they were formerly. That is to say, then, our government will not suffer the Americans to carry their own goods from their own country to France, unless Napoleon will permit them to carry our goods to France and her dependencies, all the continent being her dependencies. This is, as the reader will bear in mind, precisely what I anticipated. Napoleon suffers America to bring her goods to us; but we will not suffer America to carry her goods to France. In short, Napoleon leaves the trade between Ame-

rica and England, in American ships, perfectly free; but, we will not suffer any trade, in any ships, between America and France.—Now, on what law, or custom, of nations, do we prevent America, a neutral nation, from carrying tobacco, for instance, to France, and taking home wine in exchange? There is no law, no custom, amongst nations to authorize this. We did it, at first, upon the ground of *retaliation*; because, we said, that Napoleon, by his Berlin and Milan Decrees, was doing the same with regard to us. But, he has repealed those decrees, and why do we continue in our course? Why, as the President tells us, because Napoleon will not suffer *American* vessels to carry *our* goods to the ports of *the Continent*, in his dominions, or under his controul! This is, surely, the most curious reason that ever was alledged. For, what have the Americans to do with the regulations that Napoleon chooses to establish as to the trade in his ports? If he were to prohibit the introduction of *American* goods, the Americans would have no ground of *quarrel* with him. Every nation has a right to admit, or not, any goods into its *own* ports. The preventing of two other independent nations from trading with each other is the ground of quarrel; and well it may be, for it is just the same as if one man were to say to any two of his neighbours, you shall not deal with each other, because one of you is my enemy. But, every sovereign has a clear right to prohibit the entry of what he pleases in his *own* ports, and this is what Buonaparté does. It pleases him to prohibit the entry of English goods and Colonial Produce; and, we call upon the Americans to make him admit *our* goods into his ports, or else we will not permit them to carry *their* goods into his ports. In short, we want, it seems to me, to have the benefits of *peace* and of *war* at one and the same time; a desire, as to the modesty of which there cannot, at any rate, be two opinions, whatever men may be disposed to think of it in other respects.—And is this; is *this* the way, by which our government expects to remove, or to modify, the *Continental System*? Men certainly see with different eyes; for, to me, this appears just as likely to produce such an effect as the frost that is now benumbing my fingers is likely to make other men sweat. The *Continental System* is a thing not to be changed on *any* account; it is one of Napoleon's modes of warfare; he is

fighting us with it: and we may with as much reason expect to see him give up his army to us as give up the Continental System. He is resolved, that England shall no longer trade with the Continent. He well knows, that her influence there has always arisen out of that trade. His object is to prevent her from having any influence there; and, as the means of accomplishing this object, he will, if he can, and it appears that he can, prevent her from enjoying any longer that trade. This is a fixed and settled thing. He had not the power of cutting off our trade *with America*; that was beyond his reach; he could not march his troops into the American sea-ports in order to shut out English goods. No: that was a thing too much for him; and, that we have, by our measures against the Americans, kindly *caused to be done for him*. America was open to us though the Continent was shut; and we have induced the Americans to shut it themselves; and thus to aid, in the most effectual manner, that system which our great enemy has adopted as one of his modes of warfare.—I have, for my part, no notion, that the Americans will *go to war*. It would be very inconvenient to them, and could do them no good. They will, probably, pass some laws that shall more effectually annoy us in the way of trade and commerce; but, if they continue to do what they are now doing, it will, perhaps, better answer their end. They will carry on less external commerce than formerly, and they will every day want it less and less.—It is said, it has been urged by some writers in the way of complaint against the Americans, that they permit the French to capture our vessels and carry them to American ports, while they will not permit our ships of war to go into their ports at all. The state of the case is this: the ports of a neutral state are open to the ships of war of all belligerents; and, if no dispute had ever existed between us and America and Napoleon and America, the ships of war of both would have been, at all times, permitted to enter her ports, and to carry in their prizes. But, when we passed our Orders in Council and Napoleon his Decrees, America, by way of show her resentment, prohibited the ships of war of *both nations* from entering her ports; declaring, at the same time, that the prohibition would be taken off as soon as those violations of her neutrality should cease. The decrees of Napoleon have been re-

pealed; and, therefore, to his vessels returns the right of entering the American ports with or without prizes; but, we have not repealed our Orders in Council, and, for *that reason* our right of sending ships of war into the American ports has *not* returned. There is no *partiality* here. The measure is the same towards both belligerents. We find an advantage, doubtless, in refusing to repeal our Orders in Council; and, if so, we cannot expect to enjoy, at the same time, the advantages that would attend the assenting to such repeal.

**MR. WHITE'S SUBSCRIPTION.**—Nothing is calculated to give greater encouragement to the friends of freedom than the meetings, which have taken place in behalf of Mr. FINNERTY and Mr. WHITE, both of whom distinguished themselves by a gallant defence of the rights of the press.—The latter, which took place on Monday last, consisted of about 200 persons, and was, in all respects, worthy of the CHAIRMAN, Sir Francis Burdett, whom we always find at his post, when the liberties of Englishmen, which he seems born to defend, call for the exertion of his abilities. He availed himself of this occasion to repeat those opinions, which he stated with so much force and effect, during the debate, last winter, upon Ex-Officio Informations and the conduct of the Attorney General, and which opinions are, thank God, daily gaining ground. Indeed, what, compared to this subject, are all the discussions about wars and commerce? Nay, what are wars and commerce themselves? What would complete success in both be, if we were not at liberty *freely* to scrutinize the conduct of public men?—Mr. ALDERMAN WOOD, another true friend to the liberties of his country, was appointed by the meeting to be *Treasurer* of the Subscription. Other gentlemen were appointed to receive, but I am not in possession of their names. I see great subscriptions for the *Portuguese*, who, in my opinion, have, all the whole nation put together, not so good a claim upon us as either Mr. Finnerty or Mr. White. Others may think differently; and let them follow their taste. As, however, there are not likely to be, for Mr. White, very many collections in the Churches, under the direction of the Clergy, it becomes the friends of the freedom of the press not to neglect any means that they have in their power to further the object of the late Meeting. It must

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generally be of *small sums* that considerable subscriptions consist. There is scarcely a large town where there are not *Clubs* of some sort or other; reading societies, or periodical meetings of some kind. If in each of these a trifle was subscribed by each member, the aggregate sum would be very considerable; and, when the losses and sufferings of Mr. White are considered, I cannot help hoping, that there will be found, in many, if not in all the large towns, some persons ready voluntarily to become collectors of sums too small to be forwarded singly. At Chichester, at Nottingham, at Coventry, at Northampton, at Norwich, at Chester, at Sheffield, at Frome, at Bath, at Bristol, and at many other places, I know there are such men; and I will not believe, that it is necessary to say any more to induce them to use their best exertions in such a cause.

WM. COBBETT.

*State Prison, Newgate, Friday.*

*6th December, 1811.*

#### PRISONERS OF WAR.

SIR ;—The different matters introduced into your very excellent Paper, are treated in such a perspicuous manner, that I have wished long ago, that such an independent and good writer as you would give his opinion upon a subject, which has yet, I think, never been presented in its true light, and still lies in the dark, though a very interesting one to the public at large, and to many families in particular. The subject I allude to, is the exchange of Prisoners of War, which particularly calls upon our humanity.—What the bulk of us know about it, is, that a negotiation has taken place at Morlaix, and that the result was, (as it has been said) that if there was no exchange, it was intirely to be attributed to the French government.—If, in impartially investigating this subject it should appear, that an exchange of Prisoners is incompatible with the honour and welfare of the British nation, it would give our unfortunate countrymen in France the great consolation, that, if they suffer, it is for their country; and, in this case, there is not one among them who would not be proud of his sufferings. But if, on the contrary, the exchange is practicable, and not disadvantageous, then the long injustice committed against our brave soldiers would appear palpable, our eyes would be opened, and there would be liberal minded persons, who in

Parliament would plead in favour of our unfortunate exiles, some of whom have been nearly nine years far from their home, their families and business.—We have seen by the documents in our newspapers, published at Mr. M'Kenzie's return, that our Government had consented, —1st, To exchange according to their ranks, the English travellers detained in France since 1803.—2dly, To send without exchange, 3,000 French prisoners for the Hanoverians who capitulated in 1803, and entered afterwards into the British service.—3dly, To send without exchange, 1,905 Frenchmen composing the garrison of Cape François, who capitulated to us in 1803, (and who have been sent to France a few months ago).—4thly, To exchange the Spaniards and Portuguese against French prisoners in this country. These terms were mutually agreed upon by both governments; and when they had settled the delicate points which had been in contest for so many years, it could hardly have been expected that they should not have understood each other upon the mode of evacuation of the Prisoners.—The plan of evacuation proposed by the English government, was to exchange the English first, by sending one thousand Frenchmen at once, for an equal number of Englishmen, and so on till the exchange of Englishmen was effected. Afterwards, the French were to take a thousand Spaniards to Cadiz, and receive an acknowledgment of their reception; they were then to come to England, and carry home a thousand Frenchmen.—The French government objected to our plan from this motive; because, when all the English prisoners should have been returned to their homes, they could have no security for the continuation of the exchange, with respect to those French prisoners who should then have remained in England; and, besides, in sending the Spaniards to Cadiz by a thousand only at a time, the exchange of the French prisoners now in England could not have been terminated in less than eight or nine years; a term, before the expiration of which, there is a great probability that our British army would have quitted Spain and Portugal, in which case the Spaniards and Portuguese would be the subjects of the Emperor of the French.—The plan of the French was to exchange the English proportionably with the Allies, and to exchange them by three thousand at once; one thousand

English and two thousand Spaniards or Portuguese, by which means neither government could have any interest in breaking off the exchange.—Let us see now, then, what has broke the treaty. In adopting our own proposals, one month at least would have been necessary to bring home all our countrymen; while, in adopting the plan of the French government, three months, only at the most, would have been necessary for the whole exchange of 50,000 prisoners on each side.—Hence then the only disadvantage in this case on our side, would have been, that those of our countrymen who had remained longest in France, would only have remained two months longer than those who had been exchanged first.—Now, Sir, were these terms so hard and dishonourable, that it is preferable to let our countrymen remain in an eternal captivity, rather than comply with them? Are the enormous expences this country is at, in maintaining and keeping 50,000 French prisoners, a matter of no moment? An expence amounting to considerably more than one million sterling a year; and, would it not be a material advantage under our present circumstances, to have an army of 50,000 English and Spaniards to dispose of in the most essential manner?—I know, Sir, if you would undertake this subject it would undergo a proper investigation, and every circumstance would be made clear as the day. For my part, I cannot possibly see any motive, grounded on public good, for preventing the exchange from taking place. If you are of my opinion, I hope, Sir, that it will not be said hereafter, that twenty thousand Englishmen, who have shed their blood for their country have perished in captivity, without Mr. Cobbett having said a word upon the subject.—I have the honour to be, Sir, Your most obedient servant, CANDIDUS.—*November 30th, 1811.*

#### LIBEL LAW.

SIR;—I am one of the many persons who approve of the verdict of Not Guilty, given by a late Jury on the prosecution of Mr. White for a Libel, or, rather, to speak more correctly, for a Seditious Libel: for the word Libel alone (as Sir Francis Burdett has, in a late very excellent speech, observed,) means nothing more than a book, or writing; and, in the proceedings in the Ecclesiastical Courts, it means the declaration, or plaint, of the

plaintiff in the cause. I say, I approve of this Verdict, even upon the supposition that the writing, for which Mr. White was prosecuted, was really a Seditious and Mischievous Paper, for which the wilful publisher might legally be prosecuted and punished; and I approve it for the very reason that seems to have induced the Jury to give the verdict of Not Guilty, or because Mr. White was not the evil-minded, or intentional publisher of it, as he is charged to be in the information. He therefore, not being guilty of the crime of commission with which he was charged in the information, ought not to be found guilty of it by the Jury. But it is possible that he may have been liable to a prosecution for a much smaller offence, which would have been a crime of omission, in neglecting to superintend and examine the several papers published in his Journal, before they were sent to the press, in order to prevent the publication of any thing of a dangerous and seditious tendency, as it was his duty to do, and he must be supposed to have undertaken to do, when he entered his name in a public office as a publisher of a newspaper according to a late act of parliament. There ought therefore, as I conceive, to be in every information against a bookseller, or other person that publishes a seditious paper, two or more separate charges or counts; the one charging him with knowing the contents of the paper, and publishing it with a malicious intent to produce certain mischievous effects; the other charging him with neglecting to examine it and satisfy himself that it can have no mischievous effects, before he publishes or sells it, as a bookseller or publisher ought to do: whereby the charges would describe distinctly the different degrees of guilt which may possibly have been incurred by the publisher; and the Jury would find the publisher to be guilty of that particular offence which was charged in the count to which the evidence produced against him applied. It seems to me, that it is only by this careful way of stating the charges in the informations, that the degree of guilt incurred by the publisher can be ascertained, and the ends of justice fully attained. For the guilt of publishing a seditious paper admits of a great number of different degrees, and, in some cases, is no guilt at all; as, for example, in a bookseller's porter, who carries a bundle containing a dozen, or more, copies of a sedi-

tious paper, or to a which the read, no tents of would paper; allowed no offence be glad subject.

PRESIDENT.  
—Fellow House of Commons together your house requires from the and in your majesty's policy of this country the nation pursued of Congress the French our new reduced to repeal the authorisation of the United States step to between at a moment expected, and it British revocation officially vernment it was a peal of should be mit the Britain shut against States the me Non-in sures of indeed, the British of the our new



tious paper from one bookseller to another, or to a private customer of the former, which the porter neither has read nor can read, nor in any degree knows the contents of them. In this case the porter would certainly be a publisher of this paper; but yet, I presume, would be allowed by all the world to be guilty of no offence whatever by so doing. I shall be glad to hear your opinion upon this subject.—A CONSTANT READER.—3rd Dec.

### AMERICAN STATES.

#### PRESIDENT'S SPEECH TO THE CONGRESS.

—Fellow Citizens of the Senate and of the House of Representatives,—In calling you together sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present for the time of your meeting, regard was had to the probability of farther developements of the policy of the belligerent powers towards this country, which might the more unite the national councils in the measures to be pursued.—At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the government of Great Britain to repeal its orders in council; and thereby authorise a removal of the existing obstructions to her commerce with the United States.—Instead of this reasonable step towards satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, *put into more vigorous execution*; and it was communicated through the British Envoy just arrived, that whilst the revocation of the Edicts of France, as officially made known to the British Government, was denied to have taken place, it was an indispensable condition of the repeal of the British Orders, *that commerce should be restored to a footing, that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy*; the United States being given to understand, that, in the mean time, a continuance of their Non-importation Act would lead to measures of retaliation.—At a later date, it has indeed, appeared, that a communication to the British Government, of fresh evidence of the repeal of the French decrees against our neutral trade, was followed by an im-

timisation, that it had been transmitted to the British plenipotentiary here, in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British Cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed, in the mean time in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.—In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts and the mouths of our harbours have again witnessed scenes, not less derogatory to the dearest of our national rights than vexatious to the regular course of our trade.—Among the occurrences produced by the conduct of British ships of war hovering on our coasts, was an encounter between one them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter, by a fire commenced without cause by the former; whose Commander is, therefore, alone chargeable with the blood unfortunately shed in maintaining the honour of the American flag. The proceedings of a Court of Enquiry, requested by Captain Rodgers, are communicated; together with the correspondence relating to the occurrence, between the Secretary of State and his Britannic Majesty's Envoy. To these are added, the several correspondencies which have passed on the subject of the British Orders in Council; and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the Government of Great Britain has thought proper to make against the proceedings of the United States.—The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorised an expectation that her Government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and, particularly to restore the great amount of American

property seized and condemned under edicts, which, though not affecting our neutral relations, and therefore, not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.—In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions has been subjected; and which, if not discontinued will require at least corresponding restrictions on importations from France into the United States.—On all those subjects our Minister Plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you; and by ascertaining the ulterior policy of the French Government towards the United States, will enable you to adapt to it that of the United States towards France.—Our other foreign relations remain without unfavourable changes. With Russia, they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions towards our commerce in the councils of that nation also. And the information from our Special Minister to Denmark, shews, that the mission had been attended with valuable effects, to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.—Under the ominous indications which commanded attention, it became a duty to exert the means committed to the Executive department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the gun-boats have, in particular harbours, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed, as a cruising guard to the rights of our coast; and such a disposition has been made of our land forces, as was thought to promise the services most appropriate and important. In this disposition is included a force, consisting of regulars and militia, embodied in the Indiana territory, and marched towards our North Western frontier. This mea-

sure was made requisite by several murders and depredations committed by Indians; but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.—I must now add, that the period is arrived, which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute, for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence; we have seen that the British Cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which, under existing circumstances, have the character as well as the effect of war on our lawful commerce.—With this evidence of hostile inflexibility, in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armour and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.—I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardour may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body, as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment.—The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorise an enlargement of them.—Your attention will of course be drawn to such provisions, on the subject

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of our naval force, as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.—In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere, and extend into our neighbourhood. An enlarged philanthropy, and an enlightened forecast, concur in imposing on the National Councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.—Under another aspect of our situation, the early attention of Congress will be due to the expediency of farther guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the State, attains its utmost guilt, when it blends, with a pursuit of ignominious gain, a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself, through the regular animadversions of the most competent laws.—To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient, also, that it be made punishable in our citizens to accept licences from foreign Governments, for a trade unlawfully interdicted by them to other American citizens; or to trade under false colours or papers of any sort.—A prohibition is equally called for against the acceptance, by our citizens, of special licences, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorised to trade with particular ports only.—Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufactures the success they have

attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent of which it is at present abridged, by the unequal regulations of foreign governments.—Besides the reasonableness of saving our manufacturers from sacrifices which a change of circumstances might bring on them, the national interest requires, that, with respect to such articles, at least, as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished. The receipts into the Treasury, during the year ending on the 30th of September last, have exceeded thirteen millions and an half of dollars: and have enabled us to defray the current expences, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorised by the act of the last session. The temporary loan obtained in the latter end of the year 1810 has also been reimbursed, and is not included in that amount.—The decrease of revenue, arising from the situation of our commerce and the extraordinary expences which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration the propriety of ensuring a sufficiency of annual revenue, at least to defray the ordinary expences of government, and to pay the interest on the public debt, including that on new loans which may be authorised. I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honourable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all the means that may be employed in

vindicating its rights and advancing its welfare. (Signed) JAMES MADISON.  
Washington, Nov. 5, 1811.

### IRISH CATHOLICS.

(Concluded from p. 704.)

Committee so proposed to be formed; and that the said Edward Sheridan then there, with force and arms, knowingly, wilfully, and unlawfully, was one of the persons so assembled, and then and there acted as Chairman of the said Meeting, and then and there, as such Chairman, proposed as a question to the said Meeting whether the said Thomas Kirwan should be so appointed or not, and on the said question being so put, the said Thomas Kirwan was then and there so appointed by the said persons as aforesaid; and so the said Jurors say that the said Edward Sheridan in manner aforesaid then and there acted at and in the said appointment to the great encouragement of riot, tumult, and disorder, to the evil example of all others in the like case offending, against the peace of our said Lord the King, his Crown and Dignity, and against the form of the Statute in that case made and provided.—And the said Jurors of our said Lord the King further present and say, that Edward Sheridan aforesaid, so being a person professing the Roman Catholic Religion, together with divers other ill disposed persons professing the Roman Catholic Religion, on the 31st day of July, in the year of our Lord 1811, at Liffey-street, in the county of the city of Dublin, met, and assembled themselves together for the purpose of appointing five persons to act as Representatives of all the inhabitants professing the Roman Catholic Religion of and in a certain district there situate, commonly called the Parish of Saint Mary, in a Committee of Persons professing the Roman Catholic Religion, to be thereafter held, and to exercise a right and authority to represent the Inhabitants of Ireland professing the Roman Catholic Religion, under pretence of preparing Petitions to both Houses of Parliament, for the Repeal of all Laws remaining in force in Ireland, by means whereof any person professing the Roman Catholic Religion is subject to any disability by reason of his religious tenets, and of thereby procuring an alteration of the said matters so established by Law; and that at and in the said Meeting, so then and there held, one Thomas Kirwan, then and there,

being a person professing the Roman Catholic Religion, was then and there unlawfully appointed by the said persons so then and there assembled, to act as one of the Representatives of the said Inhabitants of the said District in the said Committee, to be so thereafter held as last aforesaid; and that the said Edward Sheridan, then and there, with force and arms, knowingly, wilfully, and unlawfully, was one of the persons so then and there unlawfully assembled, and then and there acted as Chairman of said Meeting, and then and there, as such Chairman, proposed as a question to the said Meeting, whether the said Thomas Kirwan should be so appointed or not, and, on the said question being so put, the said Thomas Kirwan was then and there so appointed by the said persons as last aforesaid, and so the said Jurors say that the said Edward Sheridan, in manner last aforesaid, then and there acted at and in the said appointment last mentioned, to the great encouragement of riot, tumult and disorder, to the evil example of all others in the like case offending, against the peace of our said Lord the King, his Crown and Dignity, and against the form of the Statute in that case made and provided.

### OFFICIAL PAPERS.

SPAIN.—*French Dispatches.*—*Marshal Count Suchet's Account of the Battle and Capture of Saguntum, 26 Oct. 1811.*

MONSIEUR—Your Serene Highness has been informed, by my preceding reports, of the difficulties encountered in forming our approaches before Saguntum, in consequence of the nature of the ground. We succeeded, however, after twenty days labour and fatigue, in making a practicable breach; but during this period General Blake had time to summon to his aid Mahi, General in Chief of the Army of Murcia, with the whole of the force which the insurgents had disposable, amounting to 6,000 men.—The division called that of Albuera, under the orders of Lardizabal and Zayas, joined to the divisions of Villa Campo and Obispo, commanded by O'Donnel and Miranda, forming the army of Valencia, united with the guerillas, composed a corps of 20,000 infantry and 3,000 cavalry. On the 24th of October this corps advanced, and took post on the heights of Puch, supporting its right on the sea, flanked by the English fleet, and its left resting upon Liria. Blake perceiving that Saguntum

was on the battery of constructed marched oblige me Generals six batta and the w General men, observe served as neral Chle the defile and to occ on the 25 reconnoit Puch, and to Betera, infantry. shooters from that had to co from those lums ou the prote enemy's which I h my right me. Fin both side penetrate Scarcely consider tack, wh fantry, c The huss lour, and returned of nine 2 in breach the enth guntum, their vie might so throw th "Come was che rived in ordered He adva of the 7 of the arms on fire of accuston carried repulsec Our ar but the Our ar



was on the point of falling, and that the battery of eight 24-pounders which I had constructed, would soon decide its fate, marched up to me to give battle and oblige me to raise the siege. I directed Generals Balathier and Bronikowski, with six battalions to continue the blockade and the works of the siege of Saguntum; General Compere, with fifteen hundred men, observed the road of Segorbe, and served as a reserve to the troops of General Chlopiski and Robert, destined by the defile which leads from Giletto Betera, and to occupy my right.—The next day, on the 25th, at seven in the morning, I reconnoitred the enemy. The heights of Puch, and those which covered the road to Betera, were defended by artillery and infantry. At eight o'clock my sharpshooters were briskly driven back, and from that moment I was convinced that I had to contend with far different troops from those of Valencia. Some strong columns outflanked me on my left, under the protection of some English vessels, the enemy's troops filled the village of Puzol, which I had quitted; 6,000 men attacked my right, which were full a league from me. Finding myself thus outflanked on both sides, I formed a determination to penetrate the centre of the enemy. Scarcely had I quitted a height, which I considered convenient to favour my attack, when 1,000 cavalry, and 6,000 infantry, came to occupy it in my place. The hussars of the 4th charged with valour, and though three times repulsed, returned again to the charge. The fire of nine 24-pounders, which were battering in breach at Saguntum, could not repress the enthusiasm of the garrison of Saguntum, which observing a movement in their view in which they believed they might soon take a part, went so far as to throw their caps into the air, and cry, "Come on to victory!" This first effect was checked by our infantry, which arrived in columns on the line of battle. I ordered Gen. Harispe to attack the enemy. He advanced with Gen. Paris at the head of the 7th of the line; the 116th, and 3d of the Vistula, coming after with their arms on the rest, deployed under a heavy fire of grape and musketry, like troops accustomed to conquer. The brave 7th carried the breast work with the bayonet, repulsed the enemy and pursued them. Our artillery occupied the breast-work, but the enemy returned to the charge. Our artillerymen were surrounded and

sabred. Gen. Boussart St. George, chief of a squadron, at the head of the 13th cuirassiers, vigorously charged 1,500 cavalry, which General Caro, brother of Romana, brought up with great resolution. The conflict was long, but the valour of the hussars and cuirassiers triumphed. The Field-Marshal Caro, Governor of Valencia, and Almoyer, who came from Cadiz, were wounded and made prisoners by Quarter-Masters Bazin and Vaohelot, of the hussars. Six pieces of cannon were taken.—During this time the enemy was making some progress on the left; some pickets of our cavalry were obliged to fall back by the Spanish cavalry. General Palombini, at the head of four battalions, received them with the greatest coolness; the 2nd light, and the 4th of the line, Italians, by a well served fire, repulsed the charge, and covered the field of battle with dead bodies. In directing the division of General Harispe to the centre, I ordered General Habert to move with his corps upon the great road, and to take possession of Puzol. He had in front the division of Albuera; he caused it to be charged first by two battalions of the fifth light infantry; a very brisk cannonade was kept up on both sides; General Montmarie, with the 16th of the line, supported the 5th; the action was maintained with great slaughter; the enemy defended themselves in the houses of Puzol, through the windows, and from the roofs; a body of Spanish cavalry shewed an inclination to turn our troops, and to advance by the great road of Valencia. The General of Cavalry, Debort, received orders to overthrow the enemy with the 24th dragoons; he executed this operation with the greatest valour, and drove back the enemy beyond the Albalate, without suffering himself to be impeded by the fire of some battalions which were placed in ambush; he took on the road one howitzer, one 4-pounder, and 30 artillery men. Nevertheless, the enemy, though far outflanked, defended themselves still in Puzol, and had not abandoned the heights of Puch; the 16th of the line vigorously charged them from street to street sword in hand; the 5th light infantry succeeded in surrounding 700 of the Walloon Guards, and made them lay down their arms.—General Chlopiski, to whom I had entrusted the command on my right, very seasonably perceived that it was of consequence not to suffer himself to be outflanked. He ordered General Robert to attack and follow up the



troops of Obispo and Miranda. — This General executed with success several charges of infantry: the 114th and the 1st of the Vistula fought well, and lost no time in repulsing the enemy. After this General Chlopiski, with the 44th, and the Dragoons Napoleon, came to take a glorious share in the success of the centre. The Colonel of Dragoons, Schiaretta, at the head of his brave regiment, broke through three battalions of the enemy, and made 800 prisoners. — From this moment the hussars, the cuirassiers and the Dragoons Napoleon, found themselves on the same field of battle. They overthrew all the corps of cavalry that presented themselves, broke all the squares which the enemy endeavoured to form; and for the space of two leagues covered the ground with arms and dead bodies, and made 2,000 prisoners, amongst whom are 150 officers. Generals Harispe, Bousart, and Chlopiski, pressed hard upon the enemy, by my orders, without intermission. Nevertheless the enemy contrived to form again behind Betera, by the favor of a deep ravine. We were impeded some time, the infantry not having been able to keep up with the rapid movements of the cavalry. As soon as the infantry arrived, the enemy no longer looked for safety but in flight. — I had allowed some rest to the troops of Generals Habert and Palombini; I now ordered the latter to pass in the plain the village and the heights of Puch with his Italians, and the 3rd of the Vistula, whilst General Hubert was to attack the heights of Puch, which was defended by Blake himself, with his reserve, and five pieces of cannon. The Chief of Battalion, Passelar, with a battalion of the 117th, arrived first on the ridge which the enemy occupied, whilst Gen. Montmarie forced it on the left: the enemy fled in disorder, the five pieces of cannon were taken, and it was under the protection of the English ships that these troops sought shelter. At this period the English fleet, which, since morning, had approached to take part in the battle, executed, at the same moment, with its allies, its retreat towards Grab de Valencia. — The loss of the enemy in killed, wounded, and prisoners exceeds 6,500 men: on our side we have 128 killed and 596 wounded,

according to the accompanying returns. Amongst the latter are General Paris, who had his leg pierced by a ball; the Chief of Squadron, Barbe, of the 4th hussars, who was wounded in the arm, the Aides-de-camp, Peridon, of General Harispe; Brard, of General Habert. The young Debilly, Aid-de-Camp of General Montmarie, had his arm shot off: he is a brave officer, for whom I shall solicit the favour of his Majesty the Emperor; M. Troquereau, Aide-de-camp of General Paris, was severely wounded. I was myself in like manner struck by a ball in the shoulder. General Montmarie received many contusions, and had several bullets through his clothes. General Harispe had two horses shot under him. Colonels Christophe and Meselop had also their horses shot under them. The brave Colonel Gudin, of the 16th of the line, although very severely wounded, wished not to quit the head of the regiment. All the troops of the army, Monseigneur, rivalled each other in the endeavour which should best serve his Majesty on this day; they fought for seven hours, and followed up their victory to the close of night. I have been particularly satisfied with the incessant zeal with which my Aides-de-Camp and my Staff have served. — I shall not go at any length into particular panegyrics upon the conduct of the troops. I believe I have said enough on this head to your Serene Highness, when I detailed what they had done on the field of battle. The result is, the victory of Saguntum places in the power of the Emperor 4,639 prisoners, of whom 230 are Officers, 40 Colonels or Lieutenant Colonels, two Field Marshals, 16 pieces of artillery, eight caissons, 4,200 English muskets, and four stand of colours. — I have the honour to transmit to your Highness a list, by name, of the officers prisoners, and an aggregate statement, by regiments, of subaltern officers and privates. — I beseech your Highness to call the attention and goodness of his Majesty to the Officers in whose favour I solicit rewards. I am assured, Monseigneur, that they have rendered themselves worthy of them. — I am, with respect, &c. — Count Suchet, Marshal of the Empire. — *Camp at Murviedro, Oct. 26.*  
(To be continued.)